



**Planning and Development Acts 2000, as amended**

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: PD/24/60028**

**Appeal** by Edward Harte against the decision made on the 31<sup>st</sup> day of October, 2024 by Roscommon County Council to grant permission, subject to conditions to Ross Engineering Limited for the proposed development

**Proposed Development:** Retention Planning Permission for:- (1) As constructed industrial units which are at variance with planning permission reference numbers PD/97/229, PD/01/97 and PD/03/846. (2) The change of use from mineral water bottling plant and associated stores/offices and ancillaries previously permitted under planning reference number PD/97/229, PD/01/97, PD/03/846 to current light industrial use. Planning permission for:- (3) The construction of a single storey extension to building granted under planning reference number PD/03/846 to include reception area, office space, staff welfare facilities and plant room and upgrade elevations with new cladding, new windows, signage and removal of a rear annex (Eircode F42PY26). (4) The upgrade of elevations of building granted under planning reference number PD/97/229 and extended under planning reference number PD/01/97 with new cladding, new windows and signage

(Eircode F42XFF54). (5) The construction of a new machinery storage shed to the rear of the site. (6) The installation of a new proprietary treatment system and polishing filter in lieu of malfunctioning septic tank and treatment system. (which are both for decommissioning and removal) (7) The removal of one entrance and upgrading existing entrance and boundary treatments, landscaping and all ancillary site works, car parking and surface finishes, all at Roxborough Townland, Roscommon as revised by further public notices received by the planning authority on the 12<sup>th</sup> day of August, 2024.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the existing long established industrial use of the structures on site, and to Policy Objective ED 6.11 of the Roscommon County Development Plan 2022-2028, which seeks to facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained, would facilitate an appropriate scale of commercial use and sustainable rural employment on a site which was previously vacant, would provide for an upgrade to the existing wastewater treatment system, and would not, by reason of road safety, noise, air emissions, fumes, dust or odours, be injurious to the residential amenities of the area. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Commission noted and agreed with the Inspector's opinion that the sightlines proposed were achievable, and that the proposed traffic volumes to the facility would not be significant, and would be capable of being accommodated by the road network. The Commission also agreed with the Inspector that an industrial use was established on this site, and that subject to compliance with planning conditions, the facility would not be detrimental to the residential amenities of the area, with regard to noise, air emissions, fumes, dirt or odours. The Commission did not share the opinion of the Inspector that the location of the proposed development within this rural area, is not supported by the policies and objectives of the Roscommon County Development Plan 2022-2028. In this regard, the Commission considered that the proposed development and the development proposed to be retained, would comply with Policy Objective ED 6.11 of the development plan, which seeks to facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 5<sup>th</sup> day of August 2024, and on the 10<sup>th</sup> day of October 2024, and by An Coimisiún Pleanála on the 3<sup>rd</sup> day of June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All mitigation measures set out in the Noise Impact Assessment Report submitted on the 10<sup>th</sup> day of October 2024, and the Outdoor Lighting Report and associated documentation submitted on the 5<sup>th</sup> day of August 2024, shall be implemented in full, save as may be required by the conditions set out below.

**Reason:** In the interest of the protection of the environment.

3. With the exception of those shown on the drawings submitted with the application, no signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles shall be erected or displayed on the buildings or within the curtilage of the site, unless authorised by a further grant of permission.

**Reason:** In the interest of the visual amenity of the area.

4. The development shall operate only between the hours of 0730 to 1700, Mondays to Fridays. No activity shall take place outside these hours, or on Saturdays, Sundays or public holidays, unless agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity.

5. All surface run-off from this development shall be collected and disposed of within the site. The attenuation and disposal of surface water shall otherwise comply with the requirements of the planning authority, details of which shall be submitted for the written agreement of the planning authority, prior to commencement of development.

**Reason:** In the interest of orderly development and public safety.

6. The vehicular access to the site and the indicated achievable sightlines shall be constructed and maintained in accordance with drawing number 001 (Site Layout Plan (A1)). These sightlines shall be permanently maintained and kept free from vegetation or other obstructions that would reduce the visibility shown on the said drawing.

**Reason:** In the interest of traffic safety.

7. Prior to commencement of development, the applicant/developer shall submit for the written agreement of the planning authority, a revised site layout indicating a minimum of 20% Electronic Vehicle car parking spaces.

**Reason:** In the interest of orderly development.

8. Details of the materials, colours, and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including an asbestos/hazardous material survey and plan in relation to the safe management of its removal from site in a manner that accords with best practice, noise and dust management measures, the management of construction traffic, and arrangements for off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

11. Unless otherwise agreed in writing with the planning authority prior to commencement of development, the applicant/developer shall install the 18PE Euro Tank treatment system discharging to three EuroTank TER 3 modules as detailed on page 3 of the PIA Certification document submitted on the 5<sup>th</sup> day of August, 2024 or, alternatively, the developer may install an alternative PIA certified wastewater treatment system with adequate capacity for at least 15PE. Prior to the commencement of development, the developer shall submit details of the system design to be installed, for the written agreement of the planning authority.

**Reason:** In the interest of public health.

12. The developer shall carry out additional percolation tests on the imported soil in accordance with section 6.7 of the 2021 Environmental Protection Area Code of Practice: "Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" and shall submit evidence to the satisfaction of the planning authority, of the percolation test results, to demonstrate that an appropriate percolation value has been obtained, and that the size of the proposed percolation area corresponds to the percolation values achieved onsite.

**Reason:** In the interest of public health.

13. The applicant/developer shall install a percolation area of minimum size to attenuate the effluent arising from the 15PE facility based on the Environmental Protection Area Code of Practice: Domestic Wastewater Treatment Systems (P.E ≤10). The developer shall submit evidence to the satisfaction of the planning authority, that a percolation area of adequate size has been installed onsite.

**Reason:** In the interest of public health.

14. The Wastewater Treatment and Disposal System, including any associated infiltration area, shall be designed, sited, installed and constructed, and subsequently maintained in accordance with:
  - (a) the provisions of the 2021 Environmental Protection Area Code of Practice: "Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)", or
  - (b) the Environmental Protection Area Wastewater Treatment Manual — Treatment Systems for small Communities, Businesses, Leisure Centers and Hotels and guidance issued by Local Authority Services National Training Group (LASNTG), August 2012 -

Guidance, Procedures and Training on Licensing of Discharges to Surface Waters, Ground Waters and Sewers, whichever is applicable.

The installation of the system shall be supervised by a suitably qualified person. A certificate confirming that the installed system complies with the aforementioned shall be provided by a suitably qualified person and submitted to the planning authority for record purposes.

**Reason:** In the interest of public health.

15. No material shall be stored or stockpiled on the proposed percolation area during construction.

**Reason:** In the interest of public health.

16. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a plan for the decommissioning of the existing septic tank and percolation area, including all appropriate backfilling and the removal of contaminated soil to a licensed operator.

**Reason:** in the interest of public health and to prevent water pollution.

17. During the operational phase of the proposed development the noise level shall not exceed

(a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and

(b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times ,

(corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

18. The site shall be landscaped, in accordance with the details in the site layout plan submitted on the 10<sup>th</sup> day of October 2024, using only indigenous deciduous trees and hedging species, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



MaryRose McGovern  
Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 23<sup>rd</sup> day of January 2026